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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Linda Conley; Heriberto Dominguez and  
Yoami Dominguez, husband and wife;  
Stephen Frakes; James C. Kemp  
and Reyna Kemp, husband and wife;  
Michelle Norris; William Ponce; and  
Herlan Yeomans and Eloina Yeomans,  
husband and wife,

Plaintiffs,

vs.

Town of Quartzsite, a political  
subdivision; Alex and John Doe Taft;  
Jeffrey and Jane Doe Gilbert; and Albert  
and Jane Doe Johnson,

Defendants.

Case No. 2:11-cv-01637-PHX-MEA

**DEFENDANTS’  
WITHDRAWAL OF MOTION  
TO DISMISS**

In Plaintiffs’ Complaint, Plaintiffs state in paragraph 110 that Defendants “are liable for the damages and other relief sought in this action.” They further claim in paragraph 121 that Defendants breached a contract with them, which breach allegedly “caused damages to Plaintiffs in an amount to be proven at trial.” Plaintiffs further state in paragraphs 131 and 132 that due to alleged defamation, “all Defendants are liable to Plaintiffs for all of the damages she [sic.] sustained from those acts,” and that “Plaintiff is entitled to actual damages and compensatory damages for pain and suffering.”

1 In Plaintiffs' Response to Defendants' Motion to Dismiss State Law Claims,  
2 Plaintiffs have clarified that they do not currently seek any damages associated with  
3 their claims, but are only seeking injunctive relief at this time. [Dk. 21, at p. 3]

4 Consequently, because a notice of claim is not a necessary prerequisite to a  
5 request for injunctive relief only, Defendants withdraw their Motion to Dismiss.  
6 Defendants have filed concurrently with this Withdrawal an Answer to the Complaint.

7 DATED this 13th day of September 2011.

8 JACKSON LEWIS LLP

9  
10 By: /s/ Justin S. Pierce  
11 Justin S. Pierce  
12 2398 E. Camelback Rd., Suite 1060  
13 Phoenix, AZ 85016  
14 Attorneys for Defendants

15  
16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on September 13, 2011, I electronically transmitted the  
18 attached document to the Clerk's Office using the CM/ECF System for filing and sent a  
19 copy by mail to the plaintiff at the following address:

20 Jon D. Schneider  
21 Charles D. Onofry  
22 Schneider & Onofry, P.C.  
23 3101 N. Central Ave., Suite 600  
24 Phoenix, AZ 85012-8985  
25 Attorneys for Plaintiffs

26 By: /s/Towana McDonald